

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, NOVEMBER 15, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:19 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
NOVEMBER 8, 2001**

MOTION: Workman moved and Stevens seconded approval of the Staff Meeting minutes of November 8, 2001. Workman, Stevens, Hudkins, Heier and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Legislative Session
- B. Microcomputer Request, C#2001-383, \$7,372.50 from the Community Mental Health Center Budget for 11 Therascribe software license upgrades and add-on library software (Exhibit A) (Consent Item)

MOTION: Heier moved and Workman seconded approval of the additions to the agenda. Heier, Workman, Stevens, Hudkins and Campbell voted aye. Motion carried.

ADDITIONS TO THE AGENDA

A. Legislative Session

Campbell reported that a letter was received from Senator Byars in response to the County's efforts to amend LB 1 (changes provisions relating to appropriations for state agencies) to eliminate reductions in Medicaid reimbursements to nursing homes.

MOTION: Hudkins moved and Stevens seconded to authorize the Chair to send a letter to the Lancaster County Senators, and a separate letter to Governor Johanns, indicating that Lancaster County will work with the Nebraska Department of Health and Human Services (HHS) to try to resolve the rate structure issue, but will propose legislation in the 2002 Legislative Session that will exempt County owned, County run nursing homes if the issue cannot be resolved. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

ADDITIONS TO THE AGENDA

C. Christmas Cards for Lancaster Manor Residents

MOTION: Heier moved and Hudkins seconded approval of the addition to the agenda. Heier, Hudkins, Stevens, Workman and Campbell voted aye. Motion carried.

Eagan reported on a request to include an article in the *County Connection* newsletter asking County employees to consider sending Christmas cards to Lancaster Manor residents.

MOTION: Heier moved and Workman seconded approval of the request. Heier, Workman, Stevens, Hudkins and Campbell voted aye. Motion carried.

3 COMMUNITY MENTAL HEALTH CENTER ASSISTANCE TO NEW CITY - Dean Settle, Community Mental Health Center Director; Denise Bulling, Community Mental Health Center

Denise Bulling, Community Mental Health Center, reported on her recent experiences serving in New York City, New York as a mental health profession member of the Casualty Care Unit of the Red Cross.

In response to a question from Heier, Bulling said it is crucial to keep the mental health component at the forefront of disaster relief planning.

The Board suggested follow-up discussion with Bulling; Dean Settle, Community Mental Health Center Director; and Doug Ahlberg, Emergency Management Director, at a future Staff Meeting. A segment on *County Connections* on 5 City TV was also suggested.

4 REVIEW OF COMMUNITY MENTAL HEALTH CENTER DIRECTOR DUTIES - Dean Settle, Community Mental Health Center Director

Dean Settle, Community Mental Health Center Director, presented a handout detailing his internal, external and general activities and significant issues that he believes the Community Mental Health Center will face in the next five years (Exhibit B).

Campbell noted that two of the psychiatrists on staff are over 70 years of age and asked whether the County should begin recruitment efforts.

Settle said a small rural state is at a disadvantage in terms of recruiting psychiatrists.

Campbell suggested that Lincoln Medical Education Foundation (LMEF) and the University of Nebraska Medical Center (UNMC) be contacted to see whether any residents would be interested in the programs at the Community Mental Health Center.

The Board asked Settle to review a draft of the job description for Lancaster County Mental Health Administrator (see agenda packet) and report back any suggestions of changes to the language.

Campbell said the County Attorney and Public Defender have been working with the Community Mental Health Center to speed up the process of moving individuals out of the Crisis Center, noting sexual offender commitments remain a problem.

Settle said he will work with the staff in charge of discharge planning for the Nebraska Department of Correctional Services to make sure that the Community Mental Health Center receives 90 days notice of any sexual offender discharge from the prison. He said this information will be shared with the County Attorney, Public Defender and law enforcement.

Campbell said the County Board is continuing to work through issues with Region V and is trying to be an advocate and voice for the community and suggested that Settle discuss the long-range needs for the Community Mental Health Center with Commissioners Heier and Stevens.

5 PHARMERICA PHARMACY CONTRACT - Larry Van Hunnik, Lancaster Manor Administrator; Elaine Wymore, Director of Nursing

Larry Van Hunnik, Lancaster Manor Administrator, reported on a meeting held with representatives of PharMerica Pharmacy to discuss their request for an addendum to the contract to cover the cost of replacement doses of medication, a cost not covered by Medicaid. He said it is still his recommendation that the County deny the request for an addendum, as this is the third year of a three year contract.

MOTION: Hudkins moved and Workman seconded to follow the recommendation of Larry Van Hunnik, Lancaster Manor Administrator, and to notify PharMerica Pharmacy that their request for an addendum is denied, as the budget was prepared based on the terms of the contract.

In response to a question from Campbell, Dave Johnson, Deputy County Attorney, said it is unlikely that PharMerica will terminate the contract but may suggest an alternative.

ON CALL: Hudkins, Workman, Heier, Stevens and Campbell voted aye. Motion carried.

6 ECONOMIC DEVELOPMENT AGREEMENTS WITH KAWASAKI MOTORS; AT HOME HEARING SERVICE & CABELA'S - Troy Gagner, Economic Development Coordinator; Dave Johnson, Deputy County Attorney

Kawasaki Motors

Troy Gagner, Economic Development Coordinator, distributed materials detailing Kawasaki Motors road improvements and personnel additions (Exhibit C).

Campbell said the County pledged \$400,000 to the project with the understanding that any of the County's funds that are not used for the road improvements will go to Kawasaki Motors to pay for infrastructure costs.

Gagner asked whether the Board would like to include a payback clause in the agreement to protect the County's interests should Kawasaki Motors decide to leave Lancaster County or fail to meet the job creation requirements.

Board consensus was to include the clause, with a five year expiration period.

At Home Hearing Service

Johnson explained that Jeff Priest, At Home Hearing Service, is seeking a release of liens on three motor vehicles and cancellation of the economic development loan agreement in exchange for a check in the amount of \$5,200 (Exhibit D).

Gagner said \$10,000 was borrowed and \$8,900 is still owed. He added that the Board can release the liens without cancelling the agreement.

Cabela's

Johnson said Cabela's has indicated that its loan agreement with its banking group prohibits liens against the assets of Cabela's, with certain narrow exceptions that would not apply to the economic development loan, and has asked that the agreement be approved without collateral.

Gagner submitted the following documents (Exhibit E):

- O *Cabela's Inc. Job Creation/Retention*
 - *Assistance Provided*
 - *Loan Forgiveness*
 - *Agreement Provisions*
 - *Employment Goals*
 - *Project Dates*
- O *Job Creation/Retention Credits Earned, March 1, 2001 - August 31, 2001*
- O *Jobs Created/Retained, March 1, 2001 - August 31, 2001*
- O *Low to Moderate Income Employment, March 1, 2001 - August 31, 2001*
- O *Current Income Limits as of March 29, 2001*

Gagner reported that Cabela's has already met job creation requirements.

The Board directed Johnson to request an alternative solution from Cabela's.

Kinco Manufacturing of Waverly

In response to a question from Hudkins, Johnson said a lawsuit is being prepared against the owners of Kinco Manufacturing of Waverly.

7 LOCAL LAW ENFORCEMENT GRANT - Bill Jarrett, Chief Deputy Sheriff

Bill Jarrett, Chief Deputy Sheriff, reviewed *Budget for Local Law Enforcement Block Grant (LLEBG) 2001-2002* (Exhibit F), noting the following areas of funding:

Lancaster County Adult Drug Court	\$ 49,331
Palm Pilot Project	\$ 20,000
Mapping Project	\$ 19,000
Mobile Data Project	\$ 32,120
Accident Reconstruction and Reduction Project	\$ 8,820
Investigation Division Projects	\$ 14,650
Training and Replacement of Gas/Impact Munitions	\$ 3,500
Total Cost of All Projects	\$147,421

Jarrett also submitted a copy of *Lancaster County Sheriff's Office, Local Law Enforcement Block Grant* into the record (Exhibit G).

The Board scheduled a public hearing on the Local Law Enforcement Block Grant on the December 4, 2001 County Board of Commissioners Meeting agenda.

8 HOMESTEAD TRAIL FUNDING - Terry Genrich, Parks & Recreation Natural Resources Manager; Ross Greathouse, Great Plains Trails Network and Nebraska Trails Foundation

Terry Genrich, Parks & Recreation Natural Resources Manager, reported that the City of Beatrice has reached an agreement with the Union Pacific Railroad to purchase the Homestead Trail South for \$500,000. Sources of funds for the \$500,000 purchase are the City of Beatrice, \$200,000; Lancaster County, \$100,000; and the Nebraska Trails Foundation, \$200,000.

In response to a question from Workman, Genrich said the City of Lincoln has not been a party to the project other than having staff working with the coalition. He added that the City has filed for rail banking on the north half, effective October 15, 2001, and has identified some funds for that line that are not tied to the Capital Improvement Program (CIP).

MOTION: Workman moved and Stevens seconded to allow \$100,000 in funds that have been budgeted in the Keno Fund to be used towards the purchase of the Homestead Trail.

Heier asked that it be stipulated that Lancaster County will not assume ownership of the property.

Greathouse said the Lower Platte South Natural Resources District (NRD) has agreed to accept the title to the property.

Genrich added that the City of Beatrice will accept the title initially and will transfer title for the portion in Lancaster County to the NRD.

AMENDMENT: Both the maker of the motion and the seconder agreed to include in the motion that acceptance of the Homestead Trail Report on Funding and expenditure of the \$100,000 in funds from the Keno Fund will be scheduled on the November 27, 2001 County Board of Commissioners Meeting agenda.

ON CALL: Workman, Stevens, Heier, Hudkins and Campbell voted aye. Motion carried.

9 COUNTY BOARD POLICIES REGARDING MISCELLANEOUS EXPENDITURES; GRANTS SUBMITTAL; EMPLOYEE COMMUNICATIONS; ABUSIVE LANGUAGE TELEPHONE CALLS AND DIRECTOR LEAVES - Diane Staab, Deputy County Attorney; Gwen Thorpe, Deputy Chief Administrative Officer; Tim Genuchi, Accounting Operations Manager for the County Clerk's Office

Miscellaneous Expenditures

Diane Staab, Deputy County Attorney, reviewed a draft of a resolution adopting a policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by county elected officials, appointed officials, employees and volunteers (see agenda packet).

Staab explained that the mileage reimbursement rate of 34.5 cents is set by Nebraska Revised Statute §81-1176.

Hudkins suggested that the statute be amended to tie it to the federal reimbursement rate.

Brief discussion took place on reimbursement of meal expenses with Staab recommending that the County adopt a daily per diem amount, not to exceed \$30 (\$7 breakfast, \$7 lunch, \$16 dinner) for most areas in the United States and not to exceed \$38 (\$9 breakfast, \$9 lunch, \$20 dinner) in certain high cost areas. She said this method follows the federal rates and is patterned after the City's reimbursement rates. Staab said alternatives would be to follow the CONUS (Continental United States) rates, which include lodging, or to require itemization of expenses.

The Board asked Staab to verify the highest federal rate allowable. The Board will also seek input from the Management Team.

NOTE: A review of County Board policies regarding grants submittal, employee communications, abusive language telephone calls and director leaves will be rescheduled.

10 ACTION ITEMS

- A. Microcomputer Request C#2001-359, \$1,179.77 from the Microcomputer Fund for Three (3) Microsoft Office XP Pro Licenses for the County Board

MOTION: Workman moved and Hudkins seconded approval. Workman, Hudkins, Heier, Stevens and Campbell voted aye. Motion carried.

- B. Economic Development Financing Agreement with Cabela's to Assist in Developing a Management Information System, Wherein Lancaster County Will Provide a Grant of \$125,000 and a Low Interest Loan in the Amount of \$375,000

Item held.

- C. Request from Don Huse, Planning Coordinator for the Metropolitan Medical Response System (MMRS), for Placement of County Board Member on the Steering Committee for the Metropolitan Medical Response System

MOTION: Workman moved and Heier seconded to appoint Commissioner Hudkins to serve as the County Board's representative on the Steering Committee for the Metropolitan Medical Response System. Workman, Heier, Stevens, Hudkins and Campbell voted aye. Motion carried.

- D. Request from Dave Kroeker, Budget and Fiscal Officer, to Attend Association of Government Accountants Seminar on November 30, 2001 at Mahoney State Park (\$110)

MOTION: Hudkins moved and Heier seconded approval. Hudkins, Stevens, Heier, Workman and Campbell voted aye. Motion carried.

11 CONSENT ITEMS

- A. Vacation Request from Dean Settle, Community Mental Health Center Director, for December 22, 2001 through January 4, 2002
- B. Microcomputer Requests:
 - 1. C#2001-375, \$33,155.04 from the Community Mental Health Center Budget for 19 Pentium IV's, 29 17" Monitors, Etc.
 - 2. C#2001-366, \$728.61 from the Juvenile Detention Facility Bond Fund for Four (4) Printers
 - 3. C#2001-383, \$7,372.50 from the Community Mental Health Center Budget for 11 Therascribe software license upgrades and add-on library software for the Community Mental Health Center

MOTION: Heier moved and Workman seconded approval of the Consent Items. Heier, Workman, Stevens, Hudkins and Campbell voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

A. Letter from Dean Settle, Community Mental Health Center Director, Requesting Reimbursement for Expenses

Eagan said Settle has requested a legal opinion regarding the reimbursement request.

Board consensus was to require that a director under the direct authority of the County Board copy the Chief Administrative Officer when making a legal opinion request.

B. Funding for Weapons of Mass Destruction Training

Eagan explained that Doug Ahlberg, Emergency Management Director, has applied for a Nebraska Emergency Management Agency (NEMA) grant to pay for the training but would like authorization to proceed and fund the training from the agency budget. The budget will be reimbursed if the grant is received.

MOTION: Workman moved and Hudkins seconded approval of the request. Workman, Hudkins, Heier, Stevens and Campbell voted aye. Motion carried.

C. Juvenile Detention Facility Construction Meeting

Eagan said the facility is still projected to be completed by November 20, 2001.

D. Lancaster County Agricultural Society Joint Public Agency Financing Procedures

The Board reviewed a letter from Charles Willnerd, Lancaster County Agricultural Society President, indicating the Ag Society's intent to secure a business loan in the amount of \$375,000 (Exhibit H). The letter states that \$334,000 will be used to reimburse the Building Account for funds that were borrowed to pay for operating shortfalls during the first year of the Event Center's operations and to establish a small reserve. The remaining \$150,000 will be used as a line of credit.

MOTION: Hudkins moved and Heier seconded to initiate a plan of action in response to the letter from the Lancaster County Agricultural Society:

1. Request the Lancaster County Fairgrounds Joint Public Agency (JPA) to reschedule their meeting from November 27, 2001 to November 29, 2001
2. Request a County Attorney's opinion on whether Lancaster County can be a party to the note and whether the County Board can designate a different representative to serve on the Lancaster County Fairgrounds Joint Public Agency (JPA)

3. Respond to the letter from the Lancaster County Agricultural Society, informing them that the Board needs time to gather additional information
 4. Request that Dave Kroeker, County Budget and Fiscal Officer, meet with the Lancaster County Agricultural Society's auditor and Chris Armitage, Business Manager, to review the full financial picture and income projections, with a report back to Commissioners Workman and Stevens by November 26, 2001
 5. Schedule additional discussion of the matter on the November 29, 2001 Staff Meeting agenda
- Hudkins, Heier, Stevens, Workman and Campbell voted aye. Motion carried.

Hudkins and Heier exited the meeting at 11:58 a.m.

E. Financial Services Consultant

Item held for additional information.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Joint Public Building Commission Meeting - Campbell, Hudkins

Campbell reported that the Lincoln/Lancaster County Public Building Commission met with the Omaha/Douglas County Public Building Commission on November 8, 2001 and exchanged information.

B. Saltwater Tiger Beetle Committee - Workman

Workman reported that the committee plans to meet weekly to discuss proactive approaches to issues related to the Saltwater Tiger Beetle.

C. Region V Governing Board - Heier, Stevens

Stevens said Families First & Foremost (F³) has agreed to release \$35,000 of the \$46,000 in funds that were withheld from Region V because there was a lack of adequate documentation that services had been provided.

Stevens said the Region V Governing Board adopted a revised budget (reductions in the personnel budget). He also reported that the Region V Executive Committee has requested a meeting with the Behavioral Health Advisory Committee (BHAC) Executive Committee and Deb Shoemaker, Human Services Federation President.

D. General Assistance Monitoring Committee - Campbell, Stevens

Campbell said the committee reviewed pharmacy costs and began a review of the Lancaster County General Assistance Guidelines.

E. Families First & Foremost (F³) Infrastructure Committee - Heier, Stevens

Stevens said Heier is concerned with the fact that the existing proxy system directs an absent member's vote to a regular member of the committee, rather than the absent member's alternate.

F. Board of Health - Hudkins

No report was given.

14 ADJOURNMENT

MOTION: Stevens moved and Workman seconded to adjourn the meeting at 12:22 p.m. Stevens, Workman and Campbell voted aye. Hudkins and Heier were absent from voting. Motion carried.

Bruce Medcalf
County Clerk